

REMARKS

Claims 1-20 are pending in the application. In the Office Action mailed December 2, 2004, the Examiner took the following action: (1) rejected claims 1, 3-5, 9, and 17-20 under 35 USC § 102(b) as being anticipated by Hoffman (U.S. 5,649,658); (2) rejected claim 6 under 35 USC § 103(a) as being unpatentable over Hoffman; (3) rejected claims 1-6, and 8-16 under 35 USC § 103(a) as being unpatentable over Fisler (U.S. 2,432,001) in view of Hoffman; and (4) rejected claim 7 under 35 USC § 103(a) as being unpatentable over Fisler in view of Hoffman and Pavlik (U.S. Des. 378,953). Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Rejections under 35 USC § 102(b)

Claims 1, 3-5, 9, and 17-20 have been rejected under 35 USC § 102(b) as being anticipated by Hoffman.

Hoffman (U.S. 5,649,658)

Hoffman teaches a backpack with an auxiliary changing table compartment 20 (2:65-66; Figure 1). As best shown in Figures 5 and 6, a pad 110 is foldably stored within the auxiliary compartment 20. In operation, a zipper 73 is articulated to open the auxiliary compartment 20, and the pad 110 is unfolded for use.

Claims 1-10

As amended, claim 1 recites a diaper changing assembly, comprising a bag member partially enclosing an interior region and forming an access opening leading thereto, *the bag member including an outer surface comprising a side panel having an upper portion proximate the access opening and a lower portion spaced apart from the upper portion, the upper portion having at least one first securing member formed thereon*, the bag member further including a

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bottom portion positioned opposite from the access opening and coupled to the side panel proximate the lower portion; and an elongated changing mat having first and second ends, the first end being operatively coupled to the lower portion of the side panel, *the changing mat including at least one second securing member at a location spaced apart from the first end and adapted to engage with the first securing member on the bag member*, the changing mat being foldable into a plurality of portions such that in a closed position, the plurality of portions are positionable proximate the outer surface and the first and second securing members are engageable with the changing mat occupying a stowed position external to the bag member, and in an open position the plurality of portions may be unfolded to provide an elongated changing surface, the bag member being adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions. (emphasis added).

Hoffman fails to disclose, teach, or fairly suggest the apparatus taught by Applicants. Specifically, Hoffman fails to teach or suggest a diaper changing assembly wherein *the bag member including an outer surface comprising a side panel having an upper portion proximate the access opening and a lower portion spaced apart from the upper portion, the upper portion having at least one first securing member formed thereon, and the changing mat including at least one second securing member at a location spaced apart from the first end and adapted to engage with the first securing member on the bag member*. According to Hoffman, the pad 110 is folded up and stored within an auxiliary backpack compartment 85 securely closed by the zipper 73. There is no teaching or suggestion in Hoffman of having a second securing member located on the changing mat at a location spaced apart from the first end of the changing mat (which is coupled to the bag member) and adapted to engage with the first securing member on the bag member, as recited in claim 1. Therefore, Hoffman does not anticipate or render obvious claim 1, and claim 1 is allowable.

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Claims 2-10 depend from claim 1 and are allowable for the same reasons as claim 1 and also due to additional limitations contained in those claims. For example, claim 5 recites the diaper changing assembly of Claim 1, *wherein the at least one second securing member is positioned proximate the second end of the changing mat.* These additional limitations are also not disclosed or fairly suggested by Hoffman.

Claims 17-20

As amended, claim 17 recites a method of changing diapers, comprising providing a bag member that partially encloses an interior region and having an access opening leading thereto, the bag member including an outer surface and a bottom portion positioned opposite from the access opening; engaging the bottom portion with a support surface such that the interior region is substantially accessible through the access opening; *deploying a changing mat having an end portion operatively coupled to a lower portion of the outer surface proximate the bottom portion* into an open position to provide an elongated changing surface without modification of the bag member, the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening; positioning a wearer of a diaper on the changing surface; installing a diaper on the wearer; redeploying the changing mat into a closed position proximate the outer surface wherein the changing mat occupies a stowed position external to the bag member and without modification of the bag member, the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening; and *in the closed position, securing a first attachment device on the changing mat with a second attachment device on the outer surface, the first attachment device being coupled to the changing mat at a location spaced apart from the end portion, and the second attachment device being positioned on an upper portion of the outer surface spaced apart from the lower portion.* (emphasis added).

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Hoffman fails to disclose, teach, or fairly suggest the method recited in claim 17. Specifically, Hoffman fails to teach or suggest *deploying a changing mat having an end portion operatively coupled to a lower portion of the outer surface proximate the bottom portion, and, in the closed position, securing a first attachment device on the changing mat with a second attachment device on the outer surface, the first attachment device being coupled to the changing mat at a location spaced apart from the end portion, and the second attachment device being positioned on an upper portion of the outer surface spaced apart from the lower portion.* (emphasis added). According to Hoffman, the pad 110 is folded up and stored within an auxiliary backpack compartment 85 securely closed by the zipper 73. There is no teaching or suggestion in Hoffman of having a second securing member located on the changing mat at a location spaced apart from the first end of the changing mat (which is coupled to the bag member) and adapted to engage with the first securing member on the bag member, as recited in claim 17. Therefore, Hoffman does not anticipate or render obvious claim 17, and claim 17 is allowable.

Claims 18-20 depend from claim 17 and are allowable for the same reasons as claim 17 and also due to additional limitations contained in those claims. For example, claim 18 recites the diaper changing assembly of Claim 17, *wherein* securing a first attachment device on the changing mat with a second attachment device on the outer surface includes securing a first attachment device located on a second end portion of the changing mat with a second attachment device on the outer surface. These additional limitations are also not disclosed or fairly suggested by Hoffman.

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II. Rejections under 35 USC § 103(a)

Claim 6 has been rejected under 35 USC § 103(a) as being unpatentable over Hoffman, claims 1-6, and 8-16 have been rejected under 35 USC § 103(a) as being unpatentable over Fisler in view of Hoffman, and claim 7 has been rejected under 35 USC § 103(a) as being unpatentable over Fisler in view of Hoffman and Pavlik.

Commercial Success

The Examiner is kindly requested to review the enclosed Second Declaration of Linda Woodward regarding the commercial success of the products covered by the patent application. It is respectfully noted that negotiations with Walmart for products covered by the above-referenced patent application have progressed to the point where Walmart is conducting stress-testing of the product in anticipation of placing orders for 26 retail stores with an anticipated sales volume of 300 units per month. In addition, Amway has placed an initial order of fifty units to support their catalogue sales, and Stanford Distributing has selected the products covered by the patent application for inclusion in their soon-to-be-published catalogue that will be sent to chain stores in California. In addition, products covered by the patent application are being sold through Samsonite Juvenile through several “dot com” retail outlets, including 30 orders to date with an anticipated sales volume of 4 units per site per month.

The enclosed second declaration regarding commercial success demonstrates that the products covered by the patent application are continuing to achieve commercial success. In addition to the factors described more fully below, the commercial success of the products covered by the patent application demonstrate that the present invention is non-obvious in view of the prior art. Therefore, in conjunction with the reasons set forth below, the Examiner is kindly requested to reconsider and withdraw the rejections of the pending claims based on 35 USC § 103(a).

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Claims 1-10

As noted above, claim 6 depends from claim 1. Hoffman fails to disclose, teach, or fairly suggest a diaper changing assembly wherein *the bag member including an outer surface comprising a side panel having an upper portion proximate the access opening and a lower portion spaced apart from the upper portion, the upper portion having at least one first securing member formed thereon, and the changing mat including at least one second securing member at a location spaced apart from the first end and adapted to engage with the first securing member on the bag member.* According to Hoffman, the pad 110 is folded up and stored within an auxiliary backpack compartment 85 securely closed by the zipper 73. There is no teaching or suggestion in Hoffman of having a second securing member located on the changing mat at a location spaced apart from the first end of the changing mat (which is coupled to the bag member) and adapted to engage with the first securing member on the bag member, as recited in claim 1. Therefore, Hoffman does not anticipate or render obvious claim 1, and claim 1 is allowable.

Fisler (U.S. 2,432,001) teaches a handbag which can be converted from a hand-carried bag to a shoulder-slung bag. (1:13-15). Fisler fails to remedy the above-noted absent teachings of Hoffman. More specifically, Fisler fails to disclose, teach, or fairly suggest a diaper changing assembly wherein *the bag member including an outer surface comprising a side panel having an upper portion proximate the access opening and a lower portion spaced apart from the upper portion, the upper portion having at least one first securing member formed thereon, and the changing mat including at least one second securing member at a location spaced apart from the first end and adapted to engage with the first securing member on the bag member.* There is no changing mat taught by Fisler, nor are the particular details regarding the attachment of the changing mat to the bag member taught or fairly suggested by Fisler. Accordingly, claims 1-6 and 8-10 are patentable over Fisler, either singly or in combination with Hoffman.

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Pavlik (U.S. Des. 378,953) teaches a combined bag and mat. Pavlik fails to remedy the above-noted absent teachings of Hoffman and Fisler. More specifically, Pavlik fails to disclose, teach, or fairly suggest a diaper changing assembly wherein *the bag member including an outer surface comprising a side panel having an upper portion proximate the access opening and a lower portion spaced apart from the upper portion, the upper portion having at least one first securing member formed thereon, and the changing mat including at least one second securing member at a location spaced apart from the first end and adapted to engage with the first securing member on the bag member*. Like Hoffman, Pavlik teaches that the mat is folded and stored in an auxiliary compartment that is closed by a zipper. Accordingly, claim 7 is patentable over Pavlik, either singly or in combination with Hoffman and Fisler.

Claims 11-16

As amended, claim 11 recites a diaper changing assembly, comprising a bag member having at least one side panel and a bottom portion coupled to the at least one side panel, the bag member substantially enclosing an interior region and at least partially forming an access opening leading thereto, *the bag member including an outer surface having at least one first securing member formed on an upper portion of the at least one side panel proximate the access opening; and a changing mat having an end portion removably coupled to a lower portion of the side panel, the lower portion being spaced apart from the upper portion*, the changing mat having a compartmentless exterior surface *and having at least one second securing member formed thereon at a distal location that is spaced apart from the end portion, the second securing member being engageable with the first securing member*, the changing mat being foldable into a closed position such that the changing mat is stowed proximate the one of the side panels and the first and second securing members are engageable, the changing mat further being unfoldable into an open position to form an elongated changing surface, the bag member being adapted such that the bottom portion remains engaged with the support surface, the interior

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region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions. (emphasis added).

As described above, the cited references (Hoffman, Fisler, and Pavlik) fail to disclose, teach, or fairly suggest the apparatus taught by Applicants. Specifically, the cited references fail to teach or suggest a diaper changing assembly wherein *the bag member including an outer surface having at least one first securing member formed on an upper portion of the at least one side panel proximate the access opening*, and the changing mat having a compartmentless exterior surface *and having at least one second securing member formed thereon at a distal location that is spaced apart from the end portion, the second securing member being engageable with the first securing member*. Therefore, claim 11 is allowable over the cited references.

Claims 12-16 depend from claim 11 and are allowable for the same reasons as claim 11 and also due to additional limitations contained in those claims. For example, claim 12 recites the diaper changing assembly of Claim 11, wherein the end portion comprises a first end portion, and wherein the changing mat includes a second end portion spaced apart from the first end portion, the second securing member being disposed on the second end portion of the changing mat. These additional limitations are also not disclosed or fairly suggested by Hoffman.

For the foregoing reasons, the Examiner is respectfully requested to reconsider and withdraw (1) the rejection of claims 1, 3-5, 9, and 17-20 under 35 USC § 102(b) as being anticipated by Hoffman (U.S. 5,649,658); (2) the rejection of claim 6 under 35 USC § 103(a) as being unpatentable over Hoffman; (3) the rejection of claims 1-6, and 8-16 under 35 USC § 103(a) as being unpatentable over Fisler (U.S. 2,432,001) in view of Hoffman; and (4) the rejection of claim 7 under 35 USC § 103(a) as being unpatentable over Fisler in view of Hoffman and Pavlik (U.S. Des. 378,953).

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CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 1-20. Formal drawings are being submitted concurrently herewith. If there are any matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned attorney.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



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Enclosures:

Second Declaration of Inventor Linda Woodward Regarding Commercial Success
Formal Drawings

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1 May 2 2005

Date of Deposit

Wendy Saxby

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